

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>IN RE: NATIONAL PRESCRIPTION</b>	)	<b>MDL 2804</b>
<b>OPIATE LITIGATION</b>	)	
	)	<b>Case No. 1:17-md-2804</b>
<b>THIS DOCUMENT RELATES TO:</b>	)	
	)	<b>Judge Dan Aaron Polster</b>
<i>Track Three Cases</i>	)	
	)	<b><u>EVIDENTIARY ORDER</u></b>
	)	

The *Track Three* parties have filed motions seeking to preserve objections raised with respect to Court's prior evidentiary rulings in *Track One-A* and *Track One-B*. See Plaintiffs' Omnibus MIL (Doc. #: 3830 at 1); Pharmacy Defendants' Omnibus Preservation MIL (Doc. #: 3838); and Walgreens' Omnibus Preservation MIL (Doc. #: 3841).

As previously stated, the Court will adhere to its prior rulings unless a party shows the circumstances of this case warrant a revision. See Doc. #: 3058 at 1-2; Doc. #: 3546 at 1-2; Doc. #: 3967 at 1-2. The Court has looked specifically at each and every MIL ruling listed in the parties' preservation motions.<sup>1</sup> Absent additional briefing by the parties, the Court finds its prior rulings

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<sup>1</sup> The parties reassert and incorporate by reference the objections and underlying briefing on the following motions and evidentiary rulings:

- Plaintiffs reassert: Plaintiffs' MIL Nos. 1-31, 34, 36-37 in *Track One-A*; Plaintiffs' MIL Nos. 38-43 in *Track One-B*; and the objections raised by the *Track One* Plaintiffs to the Court's prior rulings (Docs. #: 3058, 3546) for the purpose of preserving them. See Doc. #: 3830 at 1.
- Pharmacy Defendants reassert: Defendants' MIL Nos. 2-4, 6-7, 9, 12 (Doc. #: 2661); Distributors' MIL Nos. 5-6 (Doc. #: 2666); Walgreens MIL No. III (Doc. #: 2648); Track 1B Pharmacy Defendants' MIL Nos. 1, 3-10 (Docs. #3415, 3416, 3417, 3418, 3420, 3421, 3425, 3426); Track 1B Rite Aid and Giant Eagle's MIL (Doc. #: 3423). See Doc. #: 3838 at 1-4. Further, to the extent the Court's *Nunc Pro Tunc* Order (Docs. #: 3058) granted in whole or in part any MIL to which Walgreens or other *Track One-A* Defendants objected, Pharmacy Defendants also reassert those arguments and preserve all objections. Doc. #: 3838 at 4.
- Walgreens reasserts: Walgreens' MIL Nos. 1-3 (Doc. #: 2648); Defendants' MIL Nos. 1-12, and 14 (Doc. #: 2661); Distributors' MIL Nos. 2-6 (Doc. #: 2666); Track 1B Pharmacy Defendants' MIL Nos. 1-10 (Docs.

either stand or do not apply and/or are moot. Accordingly, with respect to the MILs for which the parties seek preservation rulings, the Court adopts and incorporates by reference herein the rulings set forth in the *Track One-A* and *Track One-B Evidentiary Orders* (Docs. #: 3058 and 3546, respectively).<sup>2</sup>

**IT IS SO ORDERED.**

**/s/ Dan Aaron Polster October 1, 2020**  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**

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#: 3413, 3414, 3415, 3416, 3417, 3418, 3420, 3421, 3425, 3426) and Rite Aid and Giant Eagle's MIL (Doc. #: 3423). *See* Doc. #: 3841 at 1-5. Further, to the extent the Court's prior MIL orders (Docs. #: 3058 and 3546) granted in whole or in part any MIL to which Walgreens or other Defendants objected, Walgreens reasserts all arguments and preserves all objections. Doc. #: 3841 at 5.

<sup>2</sup> Absent briefing by the *Track Three* parties, the Court assumes the previous parties' same underlying agreements and representations apply to the preservation rulings here.